

IN THE CLAIMS:

Please CANCEL claims 26 and 27, without prejudice or disclaimer;

Please AMEND claims 1-18, 20 and 22-25; and

Please ADD claims 28-33, as shown below.

1. (Currently Amended) ~~An apparatus, scheduling device for scheduling data transmission over a plurality of channels in a data network, said device~~ comprising:

at least one processor and at least one memory including computer program code,
the at least one memory and the computer program code configured to, with the at least
one processor, cause the apparatus at least to

~~a monitoring unit configured to~~ monitor a predetermined parameter indicating a channel capacity in a received data stream of at least one of ~~said~~ a plurality of channels; and

~~a scheduling unit configured to~~ determine a request for change of a maximum channel capacity allocated to said at least one of said plurality of channels, ~~if~~ when a value of said monitored predetermined parameter falls outside a predetermined allowed range.

2. (Currently Amended) ~~An apparatus device~~ according to claim 1, wherein said maximum channel capacity corresponds to a maximum allowed data rate.

3. (Currently Amended) ~~An apparatus-device~~ according to claim 2, wherein said maximum allowed data rate is set by a maximum transport format combination.

4. (Currently Amended) ~~An apparatus-device~~ according to claim 1, wherein said at least one memory and computer program code are further~~monitoring unit is~~ configured to, with the at least one processor, cause the apparatus at least to derive said value of said predetermined parameter by decoding a transport format combination indication information provided in said received data stream.

5. (Currently Amended) ~~An apparatus-device~~ according to ~~unit~~claim 1, wherein said at least one memory and computer program code are further~~scheduling unit~~ is configured to, with the at least one processor, cause the apparatus at least to check available resources and to reject said determined request in response to the checking result.

6. (Currently Amended) ~~An apparatus-device~~ according to claim 1, wherein said at least one memory and computer program code are further~~scheduling unit~~ is configured to, with the at least one processor, cause the apparatus at least to check available resources and to increase said maximum channel capacity to a value smaller

than said value of said monitored predetermined parameter in response to the checking result, ~~if~~ when said request has been determined.

7. (Currently Amended) An apparatus ~~device~~ according to claim 1, wherein said at least one memory and computer program code are further ~~scheduling unit is~~ configured to, with the at least one processor, cause the apparatus at least to check available resources and to increase said maximum channel capacity to said value of said monitored predetermined parameter in response to the checking result, ~~if~~ when said request has been determined.

8. (Currently Amended) An apparatus ~~device~~ according to claim 5, wherein said at least one memory and computer program code are further ~~scheduling unit is~~ configured to, with the at least one processor, cause the apparatus at least to repeat said checking at a predetermined timing.

9. (Currently Amended) An apparatus ~~device~~ according claim 1, wherein said plurality of channels are dedicated uplink channels of a radio access network.

10. (Currently Amended) An apparatus ~~device~~ according to claim 1, wherein said ~~scheduling unit~~ apparatus comprises a base station ~~device~~.

11. (Currently Amended) An apparatus, comprising:
at least one processor and at least one memory including computer program code,
the at least one memory and the computer program code configured to, with the at least
one processor, cause the apparatus at least to
~~terminal device for transmitting data via at least one data channel to a data~~
~~network, said terminal device being configured to set a predetermined parameter~~
indicating a channel capacity to a value outside a predetermined allowed range,~~in order~~
to request a change of ~~the~~ a maximum channel capacity.

12. (Currently Amended) An apparatus~~terminal device~~ according to claim 11,
wherein said value is selected from a predetermined temporary range comprising values
higher than said allowed range.

13. (Currently Amended) An apparatus~~terminal device~~ according to claim 12,
wherein the use of said value of said temporary range is restricted to a predetermined
time period.

14. (Currently Amended) An apparatus~~terminal device~~ according to claim 13,
wherein said use of said value of said temporary range can be repeated at a predetermined
timing.

15. (Currently Amended) ~~An apparatus-terminal device~~ according to claim 12 ~~to 14~~, wherein said temporary range comprises at least one value.

16. (Currently Amended) ~~An apparatus-terminal device~~ according to claim 11, wherein said predetermined parameter indicates a transport format combination.

17. (Currently Amended) ~~An apparatus-terminal device~~ according to claim 11, wherein, said ~~terminal device~~apparatus ~~is~~comprises a cellular terminal ~~device~~.

18. (Currently Amended) A ~~scheduling method of scheduling data transmission over a plurality of channels in a data network, said method comprising:~~

a) ~~monitoring~~ a predetermined parameter indicating a channel capacity in a received data stream of at least one of said ~~a~~ plurality of channels; and

b) ~~determining~~ a request for change of ~~the~~a maximum channel capacity allocated to said at least one of said plurality of channels, ~~if~~ when a value of said monitored predetermined parameter falls outside a predetermined allowed range.

19. (Original) A method according to claim 18, wherein said maximum channel capacity corresponds to a maximum allowed data rate.

20. (Currently Amended) A method according to claim 19, further comprising:

~~of~~ setting said maximum allowed data rate by a maximum allowed transport format combination.

21. (Previously Presented) A method according to claim 20, wherein said monitoring comprises deriving said value of said predetermined parameter by decoding a transport format combination indication information provided in said received data stream.

22. (Currently Amended) A method according to claim 18, further comprising:
checking available resources and rejecting said determined request in response to the result of said checking.

23. (Currently Amended) A method according to claim 18, further comprising:
checking the available resources and increasing said maximum channel capacity to a value smaller than said value of said monitored predetermined parameter in response to the result of said checking, ~~if~~ when said request has been determined.

24. (Currently Amended) A method according to claim 18, further comprising:
checking the available resources and increasing said maximum channel capacity to said value of said monitored predetermined parameter in response to the result of said checking, ~~if~~ when said request has been determined.

25. (Currently Amended) A method according to claim 22, further comprising:
repeating said checking at a predetermined timing.

26-27 (Cancelled)

28. (New) A method, comprising:
setting a predetermined parameter indicating a channel capacity to a value outside
a predetermined allowed range to request a change of a maximum channel capacity.

29. (New) A method according to claim 28, wherein said value is selected
from a predetermined temporary range comprising values higher than said allowed range.

30. (New) A method according to claim 29, wherein the use of said value of
said temporary range is restricted to a predetermined time period.

31. (New) A method according to claim 30, wherein said use of said value of
said temporary range can be repeated at a predetermined timing.

32. (New) A method according to claim 29, wherein said temporary range
comprises at least one value.

33. (New) A method according to claim 28, wherein said predetermined parameter indicates a transport format combination.